IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4516 OF 2005

Mr.Sunil S/o Shankarprasad Sarawagi ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

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Mr. A.M.Saraogi, Advocate for Applicant
Mr. Y.S.Shinde, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 18,2005

P.C.

1. Heard the learned advocate for the applicant and learned A.P.P. for State.

2. The applicant is facing prosecution in C.C.No. 510/SS/2004 which is pending before the learned Metropolitan Magistrate, Esplanade Court which is now transferred to Small Causes Court at Mumbai. The said case is under Section 138 of N.I.Act. In the said case, NBW came to be issued against the

applicant by order dated 13.7.2005. It is prayed that the said NBW be quashed. I am not inclined to quash NBW as in my opinion, it would be appropriate that the applicant prefers application before the trial Court for setting aside the said NBW.

3. Liberty is granted to the applicant to prefer the necessary application. The learned advocate for the applicant states that the necessary application will be preferred within three weeks from today. In order to enable the applicant to take necessary steps for setting aside NBW, the said NBW is stayed for a period of four weeks from today.

4. Application is disposed of.

5. Authenticated copy be issued to the parties.

[V.K.TAHILRAMANI,J.]